

**UNITED STATES BANKRUPTCY COURT SOUTHERN  
DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB) SIPA

LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

THE ESTATE (SUCCESSION) OF DORIS  
IGOIN, LAURENCE APFELBAUM, individually  
and in her capacities as executor and beneficiary of  
the Estate (Succession) of Doris Igoi, and EMILIE  
APFELBAUM,

Defendants.

Adv. Pro. No. 10-04336 (SMB)

**FIFTH AMENDED CASE MANAGEMENT PLAN**

Plaintiff Irving H. Picard (the “Trustee”) as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, et seq. (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually (“Madoff”), and Defendants the Estate (Succession) of Doris Igoi, Laurence Apfelbaum and Emilie Apfelbaum (“Defendants”) (the Trustee, together with

the Defendants, are collectively referred to herein as the “Parties”) hereby submit the following Proposed Case Management Plan, pursuant to Federal Rules of Civil Procedure 16 and 26, as incorporated by Federal Rules of Bankruptcy Procedure 7016 and 7026.

1. Applicability of Good Faith Procedures Order

a. The Parties have agreed that the Order (1) Establishing Litigation Case Management Procedures for Avoidance Actions and (2) Amending the February 16, 2010 Protective Order (the “Good Faith Procedures Order”) [Dkt. No. 3141] entered by the Bankruptcy Court in the above captioned SIPA liquidation, Adv. Pro. No. 08-01789 (SMB), on November 10, 2010, shall apply to this Adversary Proceeding, in accordance with the Notice of Applicability filed in this case [Dkt. No. 153], unless otherwise indicated herein; except, however, that if the parties elect to mediate the case, they will do so on mutually agreeable terms.

2. Deadlines

a. Initial Disclosures: The Trustee served Initial Disclosures pursuant to Federal Rule 26 on August 31, 2015. Defendants served their Initial Disclosures on September 10, 2015. In addition, the Trustee produced the account documents related to the Defendants’ investments with BLMIS including account opening documents, correspondence with the customer, account statements, and documents related to deposits into and withdrawals from the Defendants’ BLMIS accounts. Upon the Defendants’ request, the Trustee will also make available additional documents, as set forth in the Initial Disclosures, in “E-Data Room 1,” as defined in the Order Establishing Expanded Access to Electronic Data Room 1 entered in the above-captioned case (Adv. Pro. No. 08-01789 (SMB)) on January 12, 2012.

b. Fact Discovery Cut-Off: All fact discovery is to be completed on or before August 31, 2017. The scope of discovery will, in addition to those issues specified in

paragraph 4.G. of the Good Faith Procedures Order, include Defendants' connection, if any, to the parties and transactions described in the related proceeding, *Picard v. Magnify, Inc.*, Adv. Pro. No. 10-05279 (SMB) (Bankr. S.D.N.Y. 2010).

c. Experts: Every party that intends to offer expert testimony must make the disclosures required by Federal Rule 26(a)(2) on or before November 15, 2017. Every party that intends to offer expert testimony in opposition to such disclosures must make the disclosures required by Federal Rule (a)(2) within 30 days from the receipt of the other party's expert disclosures. All experts may be deposed, but such depositions must occur on or before February 9, 2018. All expert discovery must be completed no less than **60** days before trial.

Dated: May 24, 2017  
New York, New York

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Trustee for the Substantively  
Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment  
Securities LLC and the Estate of  
Bernard L. Madoff*

So Ordered this 24<sup>th</sup> day of May, 2017

/s/ STUART M. BERNSTEIN

HONORABLE STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY  
JUDGE